

AUSA: David A. Markewitz

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ERIC KYU,

Defendant.

COMPLAINT 24mj 2893

Violation of 18 U.S.C. §§ 2252A(a)(5)(B)
and (b)(2)

COUNTY OF OFFENSE:
WESTCHESTER

SOUTHERN DISTRICT OF NEW YORK, ss.:

ERICA BUONOCORE, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE
(Possession of Child Pornography)

1. On or about August 7, 2024, in the Southern District of New York and elsewhere, ERIC KYU, the defendant, knowingly possessed and accessed with intent to view, a book, magazine, periodical, film, videotape, computer disk, and other material that contained an image of child pornography that had been mailed, shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, KYU, while in Westchester County, New York, possessed image and video files he downloaded from the internet depicting minors, including of prepubescent minors and minors who had not attained 12 years of age, engaging in sexually explicit activity.

(Title 18, United States Code, Sections 2252A(a)(5)(B) and (b)(2).)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

2. I am a Special Agent with the FBI, assigned to the FBI's Field Office in Westchester County, New York. I have been employed by the FBI since in or about 2011. I have participated in numerous investigations, including investigations involving violent crimes, narcotics, frauds, firearms, and crimes against children. I have gained expertise in these areas through training and daily work related to conducting and participating in these types of investigations.

3. I have been personally involved in the investigation of this matter, and I am familiar with the information contained in this Complaint based on my own personal participation in the investigation, my review of documents, conversations I have had with other law enforcement officers and others about this matter, my training and experience, and numerous discussions I have had with other law enforcement personnel concerning the creation, distribution, and proliferation of child pornography. Because this Complaint is being submitted for the limited purpose of establishing probable cause to arrest the defendant, I have not included the details of every aspect of the

investigation. Where actions, conversations, and statements of others are related herein, they are related in substance and in part, except where otherwise indicated.

4. The following terms are used throughout this Complaint:

a. The terms “minor” and “sexually explicit conduct,” as used herein, are defined as set forth in Title 18, United States Code, Section 2256.

b. The term “child pornography,” as used herein, is a visual depiction of a minor involved in sexually explicit conduct as defined in Title 18, United States Code, Section 2256(8).

SEARCH OF ERIC KYU’S HOME

5. On or about August 7, 2024, the FBI obtained a court authorized search warrant (the “Warrant”) to search a single-family residence located at an address in Croton-on-Hudson, New York (the “Residence”). In addition to a search of the physical Residence itself, the Warrant also authorized law enforcement officers to search certain electronic devices found inside the Residence. Other law enforcement officers and I executed the Warrant later that same day. Based on my participation in the search and my conversations with other law enforcement officers, I am aware of the following:

a. The search of the Residence began at approximately 5:00 P.M. At the Residence at that time were ERIC KYU, the defendant, KYU’s wife, KYU’s wife’s parents, and KYU’s daughter.

b. Inside a home office in the Residence, law enforcement officers found, among other items, the following:

- i. Inside a large envelop with KYU’s name on it was a small briefcase. Inside the briefcase, law enforcement officers found approximately twelve sexually explicit printed photographs of prepubescent minors who appear to be between the approximate ages of seven to twelve.
- ii. A tablet computer with the Tor browser installed.¹
- iii. A desktop computer with the Tor browser installed (together with the tablet computer described above, the “Computers”).

¹ The Tor browser is a web browser that is configured to route a user’s internet traffic through what is called the “Tor network.” The Tor network is a computer network available to internet users that is designed specifically to facilitate anonymous communication over the internet. In addition, the Tor network also makes it possible for users to operate or access websites that are accessible only to users operating within the Tor network. Such websites are called “hidden services” or “onion services.”

INTERVIEW OF ERIC KYU

6. While the search of the Residence was ongoing, I interviewed ERIC KYU, the defendant. Prior to starting that interview, I advised KYU of his *Miranda* rights, which he voluntarily agreed to waive. During the interview that followed, KYU stated, in substance and in part, the following:

a. KYU admitted that the Computers belong to him and that he uses those Computers to access the Tor network.

b. KYU admitted to using the Tor network to access a particular website (the “Website”). Based on my discussions with law enforcement officers who have viewed the Website, I know that the Website describes itself, in substance, as a community for child pornography. Users regularly use the website to advertise and distribute child pornography. Child pornography images and videos are trafficked through the Website via the posting of web links on the website’s forum. These links allow a user to navigate to another website, such as a file-hosting website where images and/or videos are stored, in order to download the linked-to images and videos. The site also allows users to engage in online discussion with other users, either via posts that are openly accessible to any user of the site, or in one-to-one private message chats between two users.

c. KYU admitted that he uses a particular login account (the “Account”) to access the Website, and he confirmed the login credentials for the Account. KYU stated that the Account belongs only to him and that he is responsible for all activity that is conducted on the Account.

d. KYU admitted that he frequently visits the Website to view files containing child pornography. KYU indicated that he got all the child pornography files in his possession from the Website.

e. While I was interviewing KYU, he identified a particular cellphone that had been seized by law enforcement officers (the “Cellphone”) as containing files with child pornography. KYU indicated that he got those files from the Website.

REVIEW OF ERIC KYU’S ACCOUNT

7. Law enforcement officers have accessed the Website and reviewed the activity of the Account. Based on that review, law enforcement officers identified several posts ERIC KYU, the defendant, made through the Account that contained child pornography, which posts were accessible to other members of the Website:

a. In or about 2023, KYU made a post on the Website that contained approximately seven images of a prepubescent girl estimated to be between four and six years of age. A man’s erect penis is either in the girl’s mouth or near it in all the images. In two of the images, the girl is holding signs with sexually explicit writing on them. The girl has very young facial and bodily features.

b. In or about 2023, KYU made a post on the Website that contained approximately four images of a prepubescent girl estimated to be between the ages of three and five. In one of the images the girl appears to have semen on her face while in another she appears to have semen in her mouth. In a third image, an adult male is inserting a finger into her vagina and in a fourth, an adult is using his or her hands to spread the girl's legs to prominently display her vagina for the camera. The girl has young facial and bodily features and has no noticeable pubic hair.

REVIEW OF ERIC KYU'S CELLPHONE

8. Following my interview of ERIC KYU, the defendant, I reviewed certain contents of the Cellphone. Upon opening the Cellphone, I navigated to what appears to be a media storage application called "Gallery." Inside "Gallery," based on a review of only a small number of the files inside, I identified over 20 collections, inside each of which were multiple files containing child pornography.² Examples of those files include the following:

a. One of the collections is a series of approximately three images containing child pornography. The file name for one of those images is "LM-X-CR(134).jpg." That image depicts a prepubescent minor who appears to be a girl around three years' old. In the image, the child is wearing what appears to be a white and blue woman's swimsuit top. She has one hand around the base of an adult man's penis, and her lips are surrounding the top of the penis.

b. Another of the collections is a series of approximately twenty-one images containing child pornography. The file name for one of those images is "LM-F-08-02-13(13).jpg." The image depicts a prepubescent minor who appears to be a girl around six years' old. The child is lying on her back with her buttocks in the air. One of the child's hands is around one of her buttock, and the other hand has two fingers placed inside of her vagina. There is also an adult male's hand in the image, which is holding a penis. Ejaculate can be seen coming out of the penis and onto the child's vagina.

c. A third collection is a series of approximately twenty-four images containing child pornography. The file name for one of those images is "06.jpg." The image depicts a prepubescent girl who is lying on her stomach with no bottoms on and a green top. The child's buttocks are raised into the air by a pillow with a blue-patterned pillowcase, and an adult male's penis can be seen being inserted into her vagina. Another photograph in the same collection, with the file title "15.jpg," shows what appears to be the same prepubescent girl with ejaculate on her buttocks.

d. A fourth collection is a single video file titled "7yo APRIL hj bj finger pencil in ass vib cum.mp4." The video is approximately 5 minutes and 50 seconds long. The video begins with a prepubescent minor who appears to be a girl of about seven years' old

² The "Gallery" application does not appear to have a traditional folder structure. Rather, when a user opens the application, they see what appears to be a number of thumbnails of different images. When clicking on a particular thumbnail, the user is taken to a subsequent screen with multiple, often related photograph or video files. I refer to these thumbnails containing additional related photographs and videos as "collections."

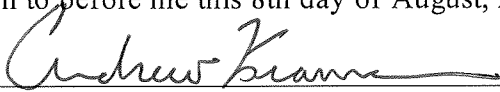
sitting on a bedspread. The girl has her hand around an adult male's penis, and she is performing oral sex on the man. The video then continues, showing additional sexual acts involving the same prepubescent minor.

WHEREFORE, I respectfully request that ERIC KYU, the defendant, be imprisoned or bailed, as the case may be.



ERICA BUONOCORE
Special Agent
Federal Bureau of Investigation

Sworn to before me this 8th day of August, 2024.



THE HONORABLE ANDREW E. KRAUSE
United States Magistrate Judge
Southern District of New York